

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-6400

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

NATHANIEL WATKINS, a/k/a J.R., a/k/a Peanut,
a/k/a Nut,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern
District of Virginia, at Alexandria. Claude M. Hilton, Chief
District Judge. (CR-90-260-A, CA-93-1035-AM)

Submitted: April 25, 2002

Decided: May 8, 2002

Before WILLIAMS and KING, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Dismissed by unpublished per curiam opinion.

Nathaniel Watkins, Appellant Pro Se. Michael R. Smythers, Assistant
United States Attorney, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Nathaniel Watkins seeks to appeal the district court's orders denying his motion filed under 18 U.S.C.A. § 3582(c)(2) (West 2000), which the court construed as being filed under 28 U.S.C.A. § 2255 (West Supp. 2001), and denying his motion for reconsideration. We have reviewed the record and the district court's opinions and find no reversible error. Although the district court construed Watkins' claim that his base offense level should be reduced to thirty-eight in accordance with Amendment 505 to the sentencing guidelines as being filed under § 2255, the claim was properly brought under § 3582(c)(2). We find that any error in construing that claim is harmless because, applying the Amendment to Watkins' case, he is not entitled to relief. We also find that the district court properly denied Watkins' remaining claims as being successive. Finally, with regard to the denial of his motion for reconsideration, Watkins failed to challenge that order in his informal brief and, therefore, has waived appellate review under 4th Cir. R. 34(b).

Accordingly, we deny a certificate of appealability and dismiss the appeal substantially on the reasoning of the district court. United States v. Watkins, Nos. CR-90-260-A; CA-93-1035-AM (E.D. Va. Jan. 4, 2002; Feb. 11, 2002). We dispense with oral argument because the facts and legal contentions are adequately

presented in the materials before the court and argument would not aid the decisional process.

DISMISSED